

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

STEPHEN TULLEY,

Plaintiff

v.

SURE WINNER FOODS,

Defendant

Civil Action No. _____

DEFENDANT'S NOTICE OF REMOVAL

Defendant, Sure Winner Foods (“Sure Winner” or “Defendant”), pursuant to 28 U.S.C. §§ 1331, 1441, 1446 and Fed.R.Civ.P. 81, file this Notice of Removal with respect to the above-captioned case, which was filed and currently is pending in the York County Superior Court of the State of Maine. The grounds for removal are as follows:

1. On or about April 29, 2019, Stephen Tulley commenced a civil action against Defendant in the York County Superior Court of the State of Maine, entitled ***Stephen Tulley v. Sure Winner Foods***, Civil Case Number CV-19-103 (“State Court Action”). Defendant accepted service of the Complaint on July 29, 2019.
2. Plaintiff has alleged claims under the Americans With Disabilities Act (42 U.S.C. § 12112).
3. Based on the foregoing, this Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331.

4. This civil action is being removed pursuant to 28 U.S.C. §§ 1441 and 1446.
5. Copies of all process and pleadings served on Defendant and all other parties in connection with the State Court Action are attached hereto as ***Exhibits A, B and C***. Upon information and belief, no additional papers have been filed or served.
6. Written notice of filing of this Notice of Removal is being provided to all parties herein, and a true and accurate copy of this Notice of Removal is being filed with the Clerk of the York County Superior Court of the State of Maine, pursuant to 28 U.S.C. § 1446. A copy of the state court notice of filing is attached hereto as ***Exhibit D***.

WHEREFORE, Defendant respectfully requests that this action proceed as an action removed to the United States District Court for the District of Maine from the York County Superior Court, State of Maine, for the above-stated reasons.

Respectfully submitted,

SURE WINNER FOODS,

By their attorneys,

Dated: August 16, 2019

/s/ Frederick B. Finberg
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CERTIFICATE OF SERVICE

I, Frederick B. Finberg, hereby certify that, on this 16th day of August 2019, I served a copy of the foregoing via email and first-class mail to the following counsel of record:

Sarah A. Churchill, Esquire
Nichols & Churchill, P.A.
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Portland, ME 04103
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/s/ Frederick B. Finberg